

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHELTON HICKERSON, et al.,
 Plaintiffs,
 v.
 VETERANS AFFAIRS, et al.,
 Defendants.

Case No. 16-cv-04356-BLF

ORDER DISMISSING CASE

When the complaint was filed in this action, Plaintiff did not pay the filing fee but instead submitted an application to proceed in forma pauperis. The Court denied Plaintiff's application to proceed in forma pauperis as incomplete and granted Plaintiff fifteen days, until August 26, 2016, to file a renewed application. Plaintiff did not file a renewed application within the time provided.

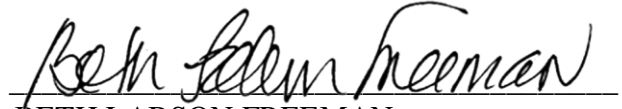
On September 1, 2016, the Court – still having not received a renewed application to proceed in forma pauperis – issued an order setting a deadline of September 30, 2016 for payment of the filing fee. The order informed Plaintiff that failure to pay the filing fee by that date would result in dismissal of the case without prejudice under Federal Rule of Civil Procedure 41(b). *See* Order Setting Deadline for Payment of Filing Fee at 1, ECF 15. Plaintiff did not pay the filing fee within the time provided and still has not paid it.

Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Anthony v. United States Dep't of the Interior*, No. 11-35030, 2012 WL 907491, at **1 (9th Cir. March 19, 2012) (affirming dismissal without prejudice under Rule 41(b) where plaintiff

1 failed to submit application to proceed in forma paupers or pay the filing fee).

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3 **IT IS SO ORDERED.**

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5 Dated: October 4, 2016

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7 BETH LABSON FREEMAN
8 United States District Judge
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